FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.1156 OF 2007

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Anand S.Kulkarni,for the petitioners.

CORAM: D.B.Bhosale,J.
DATED: 26.03.2008

P.C.:

Heard learned counsel for the petitioners.

It appears that in pursuance of an order dated 23.2.2007 the petitioners deposited a sum of Rs.5000/- in this Court. Thereafter, the writ petition came to be disposed of vide order dated 5.12.2007, and in paragraph 2 thereof the Court made the following observations :

> "Mr Kulkarni, submits that the order directing deposit of Rs.5000/- has been complied with. He also points out that the delay was properly explained, inasmuch as, the Co-operative bank had to take a decision to proceed against the guarantor in the appellate court. That decision was taken and in the meanwhile the certified copy also was

> not available. Once that became available the Appeal was filed. There is a delay of 347 days which has been fully explained. In such circumstances, in my view, the trial Court should not have refused to condone the delay, more so, when the respondents were absent. The respondents are absent even before me today. In such circumstances, and the petitioner being a co-operative bank the delay is condoned. The costs which are deposited in this court to be transferred to the credit of the present Appeal to the Co-operative Appellate Court. The Co-operative Appellate court to permit the respondents to withdraw the same."

Accordingly, the Registrar, High Court Appellate Side, issued a cheque of Rs.5000/- dated 16.1.2008 in favour of Member, Co-operative Appellate Court, Pune. This cheque, however, has been returned by the concerned Member of the Co-operative Appellate Court with a covering letter dated 8.2.2008. In the letter, it is mentioned that there is no account in the name of Member Cooperative Appellate Court, Pune, and there is practice to maintain an account in the name of concerned Cooperative Judge called as ABN Account. In view thereof, a request is made to issue fresh cheque in favour of "Judge, Co-operative Court, Solapur". In view of the request made by the learned Member, the Registrar, High Court,

Appellate Side, (Judicial) is directed to issue fresh cheque in favour of "Judge, Co-operative Court,Solapur". The Co-operative Appellate Court, after encashment of the cheque, shall permit the respondents to withdraw the said amount as per the order dated 5.12.2007.

(D.B.Bhosale, J.)